

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences**

In re Patent Application of

PHILLIPS et al.

Atty. Ref.: SCS-124-1158

Serial No. 10/577,938

TC/A.U.: 2814

Filed: May 3, 2006

Examiner: H. Weiss

For: STRAINED SEMICONDUCTOR DEVICES

* * * * *

November 25, 2009

Attn: Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re Appeal No. 2009-007560

Sir:

REQUEST TO RESCHEDULE ORAL HEARING

In response to the Notice of Hearing mailed November 19, 2009, Appellant's undersigned representative respectfully requests that the Oral Hearing in Appeal No. 2009-007560 scheduled for Tuesday, January 12, 2010, be rescheduled.

Upon receipt of the "Notice of Hearing," Appellant's undersigned representative checked his calendar and the undersigned will be on a flight returning to Washington, D.C. from Egypt on January 12, 2010. This flight was previously scheduled and confirmation of the travel arrangements was received prior to the mailing of the Notice of Hearing.

If possible, the rescheduled date for the Oral Hearing could be a day or two later if that is convenient to the Board. It also would be appreciated if this appeal could be coordinated with the appeal in the co-pending case (Appeal No. 2009-009371; Application No. 10/535,493) such that both hearings could be attended on the same day (as they are both currently scheduled for the same day).

*Amended
P. 12/1/09*

Serial No. 10/577,938

Pursuant to the Clerk's instructions, Appellant encloses herewith the Notice of Hearing form signed and dated, but without checking "hearing attendance confirmed" or "hearing attendance waived" since Appellant intends to attend the Oral Hearing when it is appropriately rescheduled. In the event that a telephone discussion with the Clerk will facilitate the PTO's rescheduling of the hearing, the Clerk is respectfully requested to contact Appellant's undersigned representative.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Stanley C. Spooner
Reg. No. 27,393

SCS:kmm

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UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

124-1158

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD-11TH FLOOR
ARLINGTON, VA 22203

Appeal No: 2009-007560
Appellant: Timothy J. Phillips, Timothy Ashley et al.
Application No: 10/577,938
Hearing Room: B
Hearing Docket: B
Hearing Date: Tuesday, January 12, 2010
Hearing Time: 09:00 AM
Location: Madison Building - East Wing
600 Dulany Street, 9th Floor
Alexandria, Virginia 22313-1450

NOTICE OF HEARING
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address: Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. BOX 1450
Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: () HEARING ATTENDANCE CONFIRMED () HEARING ATTENDANCE WAIVED

(XX) Request to Reschedule
Hearing attached

Signature of Attorney/Agent/Appellant
Stanley C. Spooner

11/25/09
Date

27,393
Registration No.

Names of other visitors expected to accompany counsel: _____

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see
http://www.uspto.gov/web/offices/deom/counsel/contact.htm#bpa_contacts

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UNITED STATES OF AMERICA

Nixon & Vanderhye P.C.
ATTORNEYS AT LAW

FACSIMILE COVER SHEET

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PLEASE DELIVER IMMEDIATELY!!!!

Our Ref: 124-1158

Your Ref: SN 10/577,938

Date: November 25, 2009

TO:	<u>Board of Patent Appeals and Interferences</u>
FIRM:	<u>U.S. Patent and Trademark Office</u>
SUBJECT:	<u>Appeal No. 2009-007560; SN 10/577,938</u>
FACSIMILE NO.:	<u>571-273-0299 & 571-273-8300</u>
FROM:	<u>Stanley C. Spooner</u>

NUMBER OF PAGES (INCLUDING COVER SHEET): 4

(IF YOU DO NOT RECEIVE ALL OF THE PAGES OR ENCOUNTER DIFFICULTIES
IN TRANSMISSION, PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).

Kristen M. McGee
FACSIMILE OPERATOR

ATTACHMENT: Request to Reschedule Oral Hearing w/ signed copy of Notice of
Hearing

MESSAGE: